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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>STATE OF CALIFORNIA, et al.,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>MICHAEL REGAN, et al.,</p> <p style="text-align: right;">Defendants,</p> <p>STATE OF GEORGIA, et al.,</p> <p style="text-align: right;">Intervenor-Defendants.</p>
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Case No. 3:20-cv-03005-RS

**PLAINTIFFS' RESPONSE TO
 DEFENDANTS' MOTION TO
 CONTINUE STAY (ECF NO. 245)**

Action Filed: May 1, 2020

Pursuant to Civil Local Rules 6-3 and 7-3(b), Plaintiffs¹ submit this statement in response to the motion to continue the stay in this litigation filed by Defendants United States Environmental Protection Agency (EPA), EPA Administrator Michael Regan, the United States Army Corps of Engineers, and Secretary of the Army for Civil Works Jaime Pinkham (collectively, the Agencies) on June 14, 2021. ECF No. 245. The motion seeks to extend the existing stay until July 16, 2021 and to vacate all existing deadlines. *Id.* at 2. In the alternative, the Agencies request that the stay be continued until their anticipated motion for remand without vacatur of the *Navigable Waters Protection Rule: Definition of “Waters of the United States,”* 85 Fed. Reg. 22,250 (Apr. 21, 2020) (2020 Rule) is decided and to have all existing deadlines vacated. *Id.* In addition to requesting an extension of the stay, the Agencies’ motion also asks that the Court order the Parties to meet and confer no later than 7 days after the date on which the Agencies’ motion for remand without vacatur is decided and file separate or joint proposals to govern further proceedings no later than 14 days from the date on which the Agencies’ remand motion is decided. *Id.* at 4.

Plaintiffs do not oppose the Agencies’ request to extend the stay until July 16, 2021 and vacate all existing deadlines, or the Agencies’ alternative request to extend the stay beyond that date and vacate all existing deadlines, provided that Plaintiffs’ right to file their own motion for remand at any time, should they choose to do so, is preserved, along with Plaintiffs’ right to file with the Court any proposals governing further proceedings in this litigation.

¹ Plaintiffs are the States of California, New York, Connecticut, Illinois, Maine, Maryland, Michigan, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, Vermont, Washington, Wisconsin, the Commonwealths of Massachusetts and Virginia, the North Carolina Department of Environmental Quality, the District of Columbia, and the City of New York.

1 Dated: June 15, 2021

Respectfully Submitted,

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SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: June 15, 2021

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